



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5277

Introduced 2/3/2010, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-20-45

65 ILCS 5/3.1-25-20

65 ILCS 5/3.1-25-40

from Ch. 24, par. 3.1-25-20

from Ch. 24, par. 3.1-25-40

Amends the Illinois Municipal Code. In provisions concerning nonpartisan primary elections, provides that a write-in candidate shall not be construed as having timely filed valid nominating papers for the purposes of preparing a primary ballot and holding a primary election.

LRB096 17579 RLJ 32936 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 3.1-20-45, 3.1-25-20, and 3.1-25-40 as
6 follows:

7 (65 ILCS 5/3.1-20-45)

8 Sec. 3.1-20-45. Nonpartisan primary elections; uncontested
9 office. A city incorporated under this Code that elects
10 municipal officers at nonpartisan primary and general
11 elections shall conduct the elections as provided in the
12 Election Code, except that no office for which nomination is
13 uncontested shall be included on the primary ballot and no
14 primary shall be held for that office. For the purposes of this
15 Section, an office is uncontested when not more than 4 persons
16 to be nominated for each office have timely filed valid
17 nominating papers seeking nomination for the election to that
18 office.

19 For the purposes of preparing a primary ballot and holding
20 a primary election under this Section, a write-in candidate
21 shall not be construed as having timely filed valid nominating
22 papers.

23 ~~Notwithstanding the preceding paragraph, when a person (i)~~

1 ~~who has not timely filed valid nomination papers and (ii) who~~
2 ~~intends to become a write-in candidate for nomination for any~~
3 ~~office for which nomination is uncontested files a written~~
4 ~~statement or notice of that intent with the proper election~~
5 ~~official with whom the nomination papers for that office are~~
6 ~~filed, if the write-in candidate becomes the fifth candidate~~
7 ~~filed, a primary ballot must be prepared and a primary must be~~
8 ~~held for the office. The statement or notice must be filed on~~
9 ~~or before the 61st day before the consolidated primary~~
10 ~~election. The statement must contain (i) the name and address~~
11 ~~of the person intending to become a write-in candidate, (ii) a~~
12 ~~statement that the person intends to become a write-in~~
13 ~~candidate, and (iii) the office the person is seeking as a~~
14 ~~write-in candidate. An election authority has no duty to~~
15 ~~conduct a primary election or prepare a primary ballot unless a~~
16 ~~statement meeting the requirements of this paragraph is filed~~
17 ~~in a timely manner.~~

18 (Source: P.A. 95-699, eff. 11-9-07.)

19 (65 ILCS 5/3.1-25-20) (from Ch. 24, par. 3.1-25-20)

20 Sec. 3.1-25-20. Primary election. A village incorporated
21 under this Code shall nominate and elect candidates for
22 president and trustees in nonpartisan primary and general
23 elections as provided in Sections 3.1-25-20 through 3.1-25-55
24 until the electors of the village vote to require the partisan
25 election of the president and trustees at a referendum in the

1 manner provided in Section 3.1-25-65 after January 1, 1992. The
2 provisions of Sections 3.1-25-20 through 3.1-25-55 shall apply
3 to all villages incorporated under this Code that have operated
4 under those Sections without the adoption of those provisions
5 by the referendum provided in Section 3.1-25-60 as well as
6 those villages that have adopted those provisions by the
7 referendum provided in Section 3.1-25-60 until the electors of
8 those villages vote to require the partisan election of the
9 president and trustees in the manner provided in Section
10 3.1-25-65. Villages that have nominated and elected candidates
11 for president and trustees in partisan elections prior to
12 January 1, 1992, may continue to hold partisan elections
13 without conducting a referendum in the manner provided in
14 Section 3.1-25-65. All candidates for nomination to be voted
15 for at all general municipal elections at which a president or
16 trustees, or both, are to be elected under this Article shall
17 be nominated from the village at large by a primary election.

18 Notwithstanding any other provision of law, no primary
19 shall be held in any village when the nomination for every
20 office to be voted upon by the electors of the village is
21 uncontested. If the nomination of candidates is uncontested as
22 to one or more, but not all, of the offices to be voted upon by
23 the electors of the village, then a primary must be held in the
24 village, provided that the primary ballot shall not include
25 those offices in the village for which the nomination is
26 uncontested. For the purposes of this Section, an office is

1 uncontested when not more than the number of persons to be
2 nominated to the office have timely filed valid nominating
3 papers seeking nomination for election to that office.

4 For the purposes of preparing a primary ballot and holding
5 a primary election under this Section, a write-in candidate
6 shall not be construed as having timely filed valid nominating
7 papers.

8 ~~Notwithstanding the preceding paragraph, when a person (i)~~
9 ~~who has not timely filed valid nomination papers and (ii) who~~
10 ~~intends to become a write in candidate for nomination for any~~
11 ~~office for which nomination is uncontested files a written~~
12 ~~statement or notice of that intent with the proper election~~
13 ~~official with whom the nomination papers for that office are~~
14 ~~filed, a primary ballot must be prepared and a primary must be~~
15 ~~held for the office. The statement or notice must be filed on~~
16 ~~or before the 61st day before the consolidated primary~~
17 ~~election. The statement must contain (i) the name and address~~
18 ~~of the person intending to become a write in candidate, (ii) a~~
19 ~~statement that the person intends to become a write in~~
20 ~~candidate, and (iii) the office the person is seeking as a~~
21 ~~write in candidate. An election authority has no duty to~~
22 ~~conduct a primary election or prepare a primary ballot unless a~~
23 ~~statement meeting the requirements of this paragraph is filed~~
24 ~~in a timely manner.~~

25 Only the names of those persons nominated in the manner
26 prescribed in Sections 3.1-25-20 through 3.1-25-65 shall be

1 placed on the ballot at the general municipal election. The
2 village clerk shall certify the offices to be filled and the
3 candidates for those offices to the proper election authority
4 as provided in the general election law. A primary for those
5 offices, if required, shall be held in accordance with the
6 general election law.

7 (Source: P.A. 91-57, eff. 6-30-99.)

8 (65 ILCS 5/3.1-25-40) (from Ch. 24, par. 3.1-25-40)

9 Sec. 3.1-25-40. Ballots.

10 (a) If the office of president is to be filled, only the
11 names of the 4 candidates receiving the highest number of votes
12 for president shall be placed on the ballot for president at
13 the next succeeding general municipal election. The names of
14 candidates in a number equal to 4 times the number of trustee
15 positions to be filled receiving the highest number of votes
16 for trustee, or the names of all candidates if less than 4
17 times the number of trustee positions to be filled, shall be
18 placed on the ballot for that office at the municipal election.

19 (b) An elector, however, at either a primary election or a
20 general municipal election held under Sections 3.1-25-20
21 through 3.1-25-55, may write in the names of the candidates of
22 that elector's choice in accordance with the general election
23 law. ~~If, however, the name of only one candidate for a~~
24 ~~particular office appeared on the primary ballot, the name of~~
25 ~~the person having the largest number of write in votes shall~~

1 ~~not be placed upon the ballot at the general municipal election~~
2 ~~unless the number of votes received in the primary election by~~
3 ~~that person was at least 10% of the number of votes received by~~
4 ~~the candidate for the same office whose name appeared on the~~
5 ~~primary ballot.~~

6 (c) If a nominee at a general primary election dies or
7 withdraws before the general municipal election, there shall be
8 placed on the ballot the name of the candidate receiving the
9 next highest number of votes, and so on in case of the death or
10 withdrawal of more than one nominee.

11 (d) If in the application of this Section there occurs the
12 condition provided for in Section 3.1-25-45, there shall be
13 placed on the ballot the name of the candidate who was not
14 chosen by lot under that Section where one of 2 tied candidates
15 had been placed on the ballot before the death or withdrawal
16 occurred. If, however, in the application of this Section, the
17 candidate with the next highest number of votes cannot be
18 determined because of a tie among 2 or more candidates, the
19 successor nominee whose name shall be placed on the ballot
20 shall be determined by lot as provided in Section 3.1-25-45.

21 (Source: P.A. 95-699, eff. 11-9-07.)